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1	Legislative Counsel				
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ACTION		DIRECT REPLY		PREPARE REPLY	
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General Counsel					1/6/71
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OGC 71-0018

6 January 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Defense Appropriation Bill - Mahon Amendment to
Fulbright Amendment

1. On 5 January 1971, Mr. J. Fred Buzhardt, General Counsel, Department of Defense, and I discussed the recently enacted Defense Appropriation Bill and its implications to future activities in Southeast Asia. He said he felt it provided considerable latitude for future planning short of use of U. S. forces and that Mr. Mahon had been quite emphatic in saying that this latitude should be exercised by the Department of Defense and others concerned.

2. Mr. Buzhardt said he was being pressed by the State Department and the White House to give specific legal rulings in the application of this language to specific programs. He said he planned to resist such an exercise and in its place planned to send to a future WSAG meeting a very general legal opinion that the language Mr. Mahon had put in the bill would give considerable additional latitude for future planning in Southeast Asia. I said I had no problem with this approach and agreed that the details of specific rulings would be a mistake. I said I felt the only problem would come if there were some activity in which we were involved using Defense funds which Defense thought came within the legal limits of the Mahon language but we felt might exceed the guidance we had received from our Subcommittee Chairmen. Under those circumstances we would have to reserve our position so that the Director could make the decision whether to consult with our Subcommittee Chairmen or not. Mr. Buzhardt agreed that this could occur.

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3. I told Mr. Buzhardt that the various programs we had discussed previously in Southeast Asia were continuing as planned and I had no particular difficulty as it was my understanding that

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LAWRENCE R. HOUSTON
General Counsel

cc: Legislative Counsel
DDP
SAVA
D/PPB

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